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TAGS: UNHRC-1, PREL, IZ

SUBJ: 45TH UN HUMAN RIGHTS COMMISSION: CONFIDENTIAL

COMMUNICATIONS UNDER ECOSOC RESOLUTION 1503

REF: GENEVA 13224 (NOTAL)

1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
2. THIS IS AN ACTION MESSAGE - SEE PARAGRAPH 5.
3. AT ITS FEBRUARY-MARCH 1989 SESSION, THE UN COMMISSION ON HUMAN RIGHTS (UNHRC) WILL CONSIDER THE REPORT OF THE CONFIDENTIAL CONFIDENTIAL

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SUBCOMMISSION ON SITUATIONS WHICH "APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS, AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII)" PER REPTTEL.

4. ALONG WITH SEVERAL OTHERS, YOUR HOST GOVERNMENT HAS BEEN INFORMED BY THE UN HUMAN RIGHTS CENTER THAT THESE ALLEGATIONS WILL BE CONSIDERED BY THE UNHRC AND HAS BEEN

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ASKED TO RESPOND IN ADVANCE OF THE SESSION. THE

COMMISSION WILL DETERMINE WHETHER, ON THE BASIS OF THESE COMPLAINTS FROM NGO'S AND INDIVIDUALS, THE HUMAN RIGHTS SITUATION IN YOUR HOST COUNTRY REQUIRES SOME FORM OF CONTINUED ACTION ON ITS PART. THE DEPARTMENT IS IN THE PROCESS OF DEVELOPING VOTING INSTRUCTIONS FOR USDEL ON WHETHER OR NOT THESE ALLEGATIONS WARRANT CONTINUED OVERSIGHT BY THE COMMISSION. WE DO NOT YET KNOW THE PRECISE TEXT OF THE COMMISSION'S RESOLUTIONS WHICH WILL BE BASED ON ITS CONSIDERATION OF THE VARIOUS ALLEGATIONS. THE COMMISSION WILL ACT IN CLOSED SESSION DURING ITS FEBRUARY-MARCH MEETING.

5. THE UNHRC WILL CONSIDER TWO COMMUNICATIONS (NOS. 88/5/2,286 AND 88/5/2,311) CONCERNING ALLEGED HUMAN RIGHTS VIOLATIONS IN IRAQ. THE SUBSTANCE OF THESE COMPLAINTS IS QUOTED BELOW FROM UN SUMMARIES. DEPARTMENT REQUESTS ANY BACKGROUND POST HAS ON THE ALLEGATIONS WHICH WOULD ALLOW US TO EVALUATE THEIR VALIDITY. (IF EMBASSY REPORTS HAVE ALREADY COVERED THESE ISSUES, PLEASE CITE REFERENCE NUMBERS.) DEPARTMENT ALSO REQUESTS POST TO ASCERTAIN WHETHER THE GOVERNMENT OF IRAQ PLANS TO RESPOND TO THE ALLEGATIONS AND IF SO, IN WHAT MANNER. RESPONSES

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SHOULD BE ENCOURAGED AS PART OF THE ONGOING HUMAN RIGHTS DIALOGUE.

BEGIN QUOTE FROM UN CONFIDENTIAL SUMMARY (PARAGRAPHS ADDED): 88/5/2,286. COMMUNICATION DATED 29 MARCH 1988 FROM THE KURDISH COMMUNITY IN THE NETHERLANDS, ALLEGING MASS KILLINGS WITH CHEMICAL WEAPONS, THE USE OF TORTURE AND FORCED RELOCATION OF MEMBERS OF THE KURDISH ETHNIC COMMUNITY BY THE AUTHORITIES IN IRAQ AND SEEKING UNITED NATIONS INTERCESSION IN THIS CONNECTION.

IT IS ALLEGED THAT SINCE APRIL 1987 THE IRAQI ARMED FORCES HAVE CARRIED OUT ATTACKS USING CHEMICAL WEAPONS AGAINST 28 KURDISH VILLAGES AND SETTLEMENTS IN THE PROVINCES OF ERBIL, SULAYMANIA AND DAHOK WHICH ARE SAID TO HAVE RESULTED IN THE DEATHS OF OVER 130 CIVILIANS AND THE WOUNDING OF MORE THAN 350, MOSTLY WOMEN AND CHILDREN. THE MOST RECENT ATTACK IN 1988 ON THE TOWN OF HALABJA HAS REPORTEDLY CAUSED THE DEATH OF BETWEEN 5,000 AND 7,000 PERSONS.

IT IS FURTHER ALLEGED THAT SINCE 1970 THE GOVERNMENT OF IRAQ HAS CARRIED OUT A POLICY OF FORCED RELOCATION OF THE KURDISH POPULATION AND THE DESTRUCTION OF KURDISH VILLAGES. BETWEEN 1975 AND 1979 OVER 2,000 VILLAGES ARE SAID TO HAVE BEEN DESTROYED ALONG THE NORTHERN AND

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EASTERN BORDERS WITH TURKEY AND IRAN AND APPROXIMATELY

300,000 PERSONS DISPLACED INTO REFUGEE CAMPS IN SOUTHWESTERN IRAQ. SINCE APRIL 1987 OVER 700 KURDISH VILLAGES HAVE REPORTEDLY BEEN DESTROYED, DISPLACING OVER 140,000 KURDS. DURING THEIR EXPULSION, THESE PERSONS ARE SAID TO HAVE BEEN SUBJECTED TO TORTURE AND OTHER FORMS OF ILL TREATMENT.

88/5/2,311. COMMUNICATION DATED 6 MAY 1988 FROM AMNESTY

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INTERNATIONAL ALLEGING THE GROSS AND FLAGRANT VIOLATION OF HUMAN RIGHTS IN IRAQ, MENTIONING IN PARTICULAR SUMMARY EXECUTIONS, DISAPPEARANCES, TORTURE, ARBITRARY ARRESTS AND UNFAIR TRIALS AND REQUESTING THE UNITED NATIONS TO TAKE ALL STEPS WHICH IT DEEMS APPROPRIATE TO REDRESS THESE VIOLATIONS. IN SUBSTANTIATION OF ITS ALLEGATIONS THE ORGANIZATION SUBMITS A 13-PAGE REPORT WITH THREE APPENDICES TALLING 53 PAGES.

IT IS REPORTED THAT HUNDREDS OF PERSONS HAVE BEEN DETAINED IN IRAQ BECAUSE THEIR POLITICAL OPINIONS WITHOUT BEING INFORMED OF THE REASON FOR THEIR ARREST AND WITH NO LEGAL BASIS FOR THEIR DETENTION. SUCH PERSONS ARE SAID TO HAVE OFTEN BEEN HELD INCOMMUNICADO FOR PROLONGED PERIODS WITHOUT ACCESS TO A LAWYER, RELATIVES OR A DOCTOR AND MANY HAVE ALLEGEDLY BEEN SENTENCED TO SEVERE TERMS OF IMPRISONMENT, INCLUDING THE DEATH PENALTY, FOLLOWING SUMMARY PROCEEDINGS. IT IS DURING THE PROLONGED PERIOD OF INCOMMUNICADO DETENTION THAT DETAINEES, INCLUDING CHILDREN HAVE REPORTEDLY DISAPPEARED.

IN LATE 1985, 300 KURDISH CHILDREN AND YOUTHS FROM THE PROVINCE OF SULAIMANIYA WERE REPORTEDLY ARRESTED AS HOSTAGES IN RETALIATION FOR THE POLITICAL ACTIVITIES OF MEMBERS OF THEIR FAMILIES. AT LEAST 29 OF THEM ARE SAID TO HAVE BEEN SUMMARILY EXECUTED WITHOUT TRIAL IN EARLY JANUARY 1987 AND THE FATE OF OVER 250 OTHERS WHO DISAPPEARED IS SAID TO REMAIN UNKNOWN, AS DOES THE FATE OF 8,000 MEMBERS OF THE BARZANI TRIBE ARRESTED IN AUGUST 1983 BY IRAQI SECURITY FORCES, REPORTEDLY ON SUSPICION OF HAVING POLITICAL LINKS WITH THE KURDISTAN DEMOCRATIC PARTY. CONCERN IS EXPRESSED THAT MANY OF THESE PERSONS HAVE BEEN EXECUTED.

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TORTURE AND ILL-TREATMENT OF DETAINEES IN THE CUSTODY OF

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THE SECURITY FORCES IS SAID TO BE SYSTEMATIC. VICTIMS REPORTEDLY INCLUDE POLITICAL PRISONERS, WHO ARE SAID TO BE SUBJECTED TO TORTURE IN ORDER TO FORCE THEM TO SIGN CONFESSIONS OR TO RENOUNCE THEIR POLITICAL AFFILIATION, AS WELL AS RELATIVES, INCLUDING CHILDREN, OF SUSPECTED GOVERNMENT OPPONENTS BEING SOUGHT BY THE AUTHORITIES.

THE METHODS OF TORTURE ARE SAID TO BE PARTICULARLY BRUTAL AND SOME DETAINEES HAVE REPORTEDLY DIED IN DETENTION AS A RESULT OF SUCH TORTURE OR HAVE BEEN LEFT PHYSICALLY OR MENTALLY MARKED FOR LIFE. IN SUBSTANTIATION OF THE ALLEGATIONS OF TORTURE, APPENDIX III CONTAINS A DESCRIPTION OF DIFFERENT METHODS USED AS WELL AS INDIVIDUAL TESTIMONIES.

IT IS FURTHER ALLEGED THAT HUNDREDS OF SUMMARY EXECUTIONS TAKE PLACE IN IRAQ EACH YEAR, WITH MANY OF THE VICTIMS SAID TO BE EXECUTED WITHOUT TRIAL OR AFTER SUMMARY TRIALS BY REVOLUTIONARY COURTS WITH PROCEDURES WHICH REPORTEDLY HAVE NOT MET INTERNATIONAL STANDARDS. MOST TRIALS HAVE ALLEGEDLY BEEN HELD IN CAMERA AND ACCESS TO A LAWYER, OFTEN SAID TO BE APPOINTED BY THE GOVERNMENT, IS SAID TO CONTINUE TO BE SEVERELY RESTRICTED AND IN SOME INSTANCES TO HAVE BEEN CONFINED TO THE DAY OF THE TRIAL ONLY. CONFESSIONS EXTRACTED UNDER TORTURE HAVE REPORTEDLY BEEN FREQUENTLY USED AS A BASIS FOR CONVICTIONS. SENTENCES PASSED BY A REVOLUTIONARY COURT, INCLUDING DEATH SENTENCES ARE SAID TO BE FINAL AND CANNOT BE APPEALED AGAINST TO A HIGHER JUDICIAL BODY.

IT IS STATED THAT A NUMBER OF LAWS AND RESOLUTIONS (APPENDIX I ENUMERATES THEM IN DETAIL) ADOPTED IN THE PAST FEW YEARS IN IRAQ, HAVE INTRODUCED THE DEATH PENALTY FOR CERTAIN NON-VIOLENT POLITICAL OFFENCES AND AS A

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RESULT THE RIGHT TO FREEDOM OF THOUGHT, THE RIGHT TO FREEDOM OF OPINION AND THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION HAVE BEEN SEVERELY RESTRICTED. THESE OFFENCES INCLUDE IN PARTICULAR POLITICAL ACTIVITIES IN THE ARMED FORCES DEEMED TO BE DETRIMENTAL TO THE RULING PARTY, THE BAATH PARTY. AT LEAST ONE OF THESE RESOLUTIONS, WHICH REPORTEDLY INTRODUCED THE DEATH PENALTY FOR MEMBERSHIP OF, OR AFFILIATION TO, AL-DAAAL-ISLAMIYYA (AN OPPOSITION POLITICAL PARTY) IS SAID TO HAVE RETROACTIVE APPLICATION (RESOLUTION NO. 461 OF 31 MARCH 1980).

VICTIMS OF ARBITRARY EXECUTIONS HAVE REPORTEDLY INCLUDED MEMBERS OF BANNED POLITICAL PARTIES, SUSPECTED OPPONENTS OF THE GOVERNMENT, STUDENTS, ARMY DESERTERS AND CIVILIANS ARRESTED AS HOSTAGES, INCLUDING RELATIVES AND CHILDREN OF

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SUSPECTED GOVERNMENT OPPONENTS. IT IS FURTHER REPORTED THAT PRISONERS HAVE ALSO BEEN THE VICTIMS OF DELIBERATE KILLINGS CARRIED OUT BY THE AUTHORITIES.

FOR EXAMPLE, BETWEEN AUGUST AND NOVEMBER 1985 LARGE NUMBERS OF POLITICAL PRISONERS AND ARMY DESERTERS WERE

REPORTED TO HAVE BEEN EXECUTED IN ABU GHRAIB AND MOSUL PRISONERS, INCLUDING 60 PRISONERS REPORTEDLY EXECUTED ON ABU GHRAIB PRISON IN BAGDAD IN THE FIRST WEEK OF NOVEMBER 1985 ALONE. ON 30 AND 31 DECEMBER 1987 MORE THAN 150 PRISONERS, INCLUDING MINORS AGED BETWEEN 14 AND 17 YEAR OLD, WERE REPORTED TO HAVE BEEN EXECUTED BY FIRING SQUAD IN ABU GHRAIB PRISON, INCLUDING SOME OF WHOM HAD BEEN SENTENCED TO TERMS OF IMPRISONMENT. APPENDIX II CONTAINS THE NAMES AND DETAILS OF THESE VICTIMS. MEMBERS OF THE KURDISH OPPOSITION GROUPS AND THEIR RELATIVES HAVE

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REPORTEDLY ALSO BEEN SUMMARILY EXECUTED.

FOR EXAMPLE, IT IS REPORTED THAT AS MANY AS 360 PEOPLE WERE SUMMARILY EXECUTED IN SEPARATE INCIDENTS IN NOVEMBER AND DECEMBER 1987; THE MAJORITY OF THE KNOWN VICTIMS ARE SAID TO HAVE BEEN KURDISH POLITICAL PRISONERS AND TO HAVE INCLUDED 17 CHILDREN BETWEEN 14 AND 17 YEARS OLD. IN ONE INCIDENT ON 11 NOVEMBER 1987 BETWEEN 100 AND 150 KURDS WERE REPORTEDLY SUMMARILY EXECUTED BY THE ARMED FORCES FOLLOWING HOUSE-TO-HOUSE SEARCHES AND AT LEAST 40 KURDISH OPPONENTS OF THE GOVERNMENT WERE REPORTED TO HAVE BEEN PRISONED IN SEPARATE INCIDENTS BY THE SECURITY FORCES IN LATE 1987 WITH THALLIUM, SAID TO BE COMMONLY USED AS A RAT POISON. END QUOTE. SHULTZ

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